



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Washington, D.C. 20230

OFFICE OF THE GENERAL COUNSEL

FEB 7 2003

Glen T. Bruening
General Counsel
State of New York
Department of State
41 State Street
Albany, NY 12231-0001

Frederic G. Berner, Jr., Esq.
Sidley Austin Brown & Wood LLP
1501 K Street, N.W.
Washington, DC 20005

Re: Schedule for Reply Briefs in the Consistency Appeal of Millennium Pipeline Company, L.P.

Dear Messrs. Bruening and Berner:

By letters dated January 24, 2003, the Millennium Pipeline Company, L.P. (Millennium or Appellant) and the New York Department of State (State) provided recommendations and comments concerning a schedule for the submission of reply briefs for the Consistency Appeal of Millennium Pipeline Company, L.P. The parties' submissions are a follow-up to a conference call between the National Oceanic and Atmospheric Administration (NOAA), Millennium, and the State to discuss scheduling matters. As the parties were unable to agree, NOAA proposed alternative briefing schedules and invited the parties' comments. After considering these comments, the following schedule is established for the submission of reply briefs and any supporting materials.

Filing Dates

Millennium reply brief and supporting materials - **March 14, 2003.**

New York reply brief and supporting materials - **April 4, 2003.**

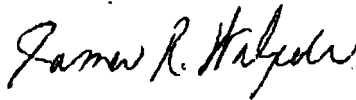
Millennium surreply brief - **April 21, 2003.**

The above schedule provides the State with an opportunity to address matters that may be raised for the first time by Millennium; similarly, it fulfills Millennium's stated interest in responding to any evidence or arguments that are presented by New York.



The parties are advised to address in a comprehensive manner all grounds on which the Secretary has been requested to override the State's objection to Millennium's proposed project. Following the submission of all briefs, and upon NOAA's determination that the administrative record is complete, a Federal Register notice will be published announcing closure of the record. If there are any questions concerning the briefing schedule, please contact Branden Blum of this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "James R. Walpole".

James R. Walpole
General Counsel